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Patent

GR-47

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Albert Eugster et al.
Serial No: 10/077,305
Filed: February 15, 2002
For: CONVEYING ARRANGEMENT FOR PROCESSING PRINTED
MATERIAL TO PRINTED MATTER
Examiner: Mark A. Deuble
Art Unit: 2854

MAIL STOP APPEAL BRIEF
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

SUBMISSION OF BRIEF ON APPEAL

SIR:

Submitted herewith is a Brief On Appeal in triplicate in support of the appeal filed August 23, 2004.

A check in the amount of \$340.00 to cover the fee pursuant to 37 CFR §1.17 (f) is enclosed.

Any additional fees or charges required at this time in connection with the application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

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Dated: October 22, 2004
Encls: Check \$340.00

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 22, 2004.

By: *F. Kueffner* Date: October 22, 2004
Friedrich Kueffner



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BRIEF ON APPEAL

S I R:

This Brief is submitted in support of the Appeal filed August 23, 2004 from the Examiner's Final Rejection of claims 1, 3 and 5 as set forth in the Office Action dated September 9, 2004.

REAL PARTY IN INTEREST

The present application is owned by GRAPH-A-Holding AG by virtue of an assignment recorded February 15, 2002 under reel 012609/frame 0707.

RELATED APPEALS AND INTERFERENCES

There are no presently pending related appeals and interferences.

STATUS OF CLAIMS

Claims 1, 3 and 5 - 8 are the claims in the application.

Claims 1, 3 and 5 are the claims on appeal.

Claims 6 - 8 were objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

STATUS OF AMENDMENTS

An Amendment after final rejection in response to the Examiner's final rejection of the claims dated February 18, 2004 was filed on August 18, 2004. As indicated in the Advisory Action dated September 9, 2004, the Amendment was entered for purposes of appeal.

SUMMARY OF THE INVENTION

The present invention is directed to a conveying arrangement for processing printed material to printed products.

As illustrated in Fig. 1 of the drawing and described on page 8 of the specification, the conveying arrangement 1 comprises a conveying member 3 for supplying printed material 2 and an intermediate conveying device 7 with compartments 8 rotating about at least one axis of rotation. The compartments 8 are formed by at least two opposed adjustable plates 9, 10, wherein the compartments 8 are configured to receive the printed material 2 from the conveying member 3. A synchronously operating feeder or insertion machine 6 is arranged downstream of the intermediate conveying device 7, wherein the feeder or insertion machine 6 has pocket-shaped receiving elements 5 which are

configured to receive the printed material 2 from the compartments 8. The compartments 8, when approaching the conveying members 3, are moved into an open position for receiving the printed material 2 and then into a closed position for further transporting the received printed material 2. As described on page 9 of the application, the compartments 8 comprise controllable conveying means or rollers 13, 14 arranged opposite one another on the at least two opposed adjustable plates 9, 10, as also shown in Fig. 3. The conveying means or rollers 13, 14 are configured to transport frictionally the printed material 2, clamped between the conveying means 13, 14, out of the compartment 8. A drive 21 is provided for acting on the conveying means 13, 14. The at least two opposed adjustable plates 9, 10 have through openings 15. The conveying means including the rollers 13, 14 and the drive 21 comprise a stationary roller path 22 and a drive roller 20 is connected to the rollers 13, 14 and acted on by the roller path 22, wherein the rollers 13, 14 act via the through openings 15 on the printed material 2.

Referring to claim 3, as generally described in the first full paragraph on page 10 of the application, the rollers 13, 14 of at least one of the at least two opposed adjustable plates 9, 10 is liftable.

Referring to claim 5, as mentioned in the second full paragraph on page 5 of the specification, at least one of the roller path 22 and the drive roller 20 has a yielding cover.

Referring to claim 6, as discussed in the third full paragraph on page 5 of the application, the roller path 22 is arranged so as to be yielding relative to the drive roller 20.

Referring to claim 7, the drive is adjustable relative to a transfer position of the printed material.

Referring to claim 8, as discussed in the paragraph bridging pages 10 and 11 of the specification, the roller path 22 comprises sequentially arranged an inlet section 23, a friction section 25 and an exit section 24. As mentioned in the first full paragraph on page 11 of the specification, the friction section 25 is concentric to the at least one axis of rotation of the intermediate conveying device 7.

ISSUES PRESENTED FOR REVIEW

Whether claims 1, 3 and 5 are unpatentable under 35 U.S.C. §102(a) over Boss.

GROUPING OF CLAIMS

Claim 3 stands or falls with claim 1.

Claim 5 is separately patentable.

Claims 6 - 8 are allowable.

ARGUMENT

It is respectfully submitted that the Examiner's rejection of claims 1, 3 and 5 under 35 U.S.C. §103(a) as being unpatentable over Boss is in error because the reference does not disclose or suggest the conveying arrangement claimed in the present application.

In accordance with the invention, at least two opposed adjustable plates having through openings are provided, wherein conveying means act on printed products through the openings. The reference does not disclose this feature.

The patent to Boss discloses a rotary signature gathering apparatus with a sheet stop. A driven disc 22 is provided for removing the printed product 6 from the receiver pockets 4. The

disc 22 has at its outer periphery a clamping device 25. The disc 22 reaches in, as seen in Fig. 2 of Boss, from outside the pocket 4 via the clamping device 25 and grasps the end region of the printed product 6 and pulls the printed product with a simultaneous opening through a clock-wise rotation out of the pocket 4. The element 34 is a freely rotatable idler roller that only presses the printed product 6 onto the outer circumference of the disc 22 without imparting any forward movement force to the printed product 6.

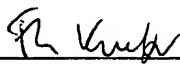
In the presently claimed invention, on the other hand, the conveying means has rollers that frictionally transport the printed product. The rollers act via the through openings on the printed material. Boss does not disclose conveying means having rollers that drive the printed product as in the presently claimed invention.

Concerning the Examiner's comment in the Advisory Action, applicants did not argue that member 22 in Boss does not form a conveying means. Rather it was argued that element 34 is an idle roller which acts on disk 22 without conveying the printed product 6.

With respect to claim 3, this claim is separately patentable because the reference does not show that the disk 22 and the roller 34 are liftable from a plate or side wall 14, 16.

In view of the foregoing, it is submitted that the claims are allowable over the reference relied on by the Examiner and the Board is respectfully requested to reverse the decision of the Examiner.

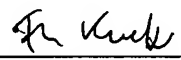
Respectfully submitted,

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Dated: October 22, 2004

CERTIFICATE OF MAILING

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By:  Date: October 22, 2004
Friedrich Kueffner

APPENDIX
CLAIMS ON APPEAL

1. A conveying arrangement for processing printed material to printed products, the conveying arrangement comprising:

a conveying member supplying printed material;

an intermediate conveying device comprising compartments rotating about at least one axis of rotation and formed by at least two opposed adjustable plates, wherein the compartments are configured to receive the printed material from the conveying member;

a synchronously operating feeder arranged downstream of the intermediate conveying device and having pocket-shaped receiving elements configured to receive the printed material from the compartments;

wherein the compartments, when approaching the conveying member, are moved into an open position for receiving the printed material and then into a closed position for further transporting the received printed material;

wherein the compartments comprise controllable conveying means arranged opposite one another on the at least two opposed adjustable plates, wherein the conveying means are configured to transport frictionally the printed material, clamped between the conveying means, out of the compartment; and

a drive configured to act on the conveying means, the at least two opposed adjustable plates having through openings, the conveying means including rollers and the drive comprising a stationary roller path and a drive roller connected to the rollers and acted on by the roller path, the rollers act via the through openings on the printed material.

3. The conveying arrangement according to claim 1, wherein the rollers of at least one of the at least two opposed adjustable plates are configured to be liftable.

5. The conveying arrangement according to claim 1, wherein at least one of the roller path and the drive roller has a yielding cover.